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10 ANTHONY MIRON,
11 Petitioner,
12 v.
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14 R. MADDEN, Warden,
15 Respondent.
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24 Case No. 22-cv-00900 BLF (PR)
ORDER TO SHOW CAUSE

25 Petitioner, a state prisoner proceeding *pro se*, filed a petition for a writ of habeas
26 corpus under 28 U.S.C. § 2254, challenging his state conviction out of San Mateo County
27 Superior Court for three counts of lewd acts upon a child under the age of 14 years.¹ Dkt.
28 No. 1 at 1-2, 11. Petitioner has paid the filing fee. Dkt. No. 1.

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1 custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C.
2 § 2254(a).

3 It shall “award the writ or issue an order directing the respondent to show cause
4 why the writ should not be granted, unless it appears from the application that the applicant
5 or person detained is not entitled thereto.” *Id.* § 2243.

6 **II. Analysis**

7 Petitioner claims the following grounds for habeas relief: (1) the trial court erred in
8 admitting a prior conviction as improper propensity evidence, Dkt. No. 1 at 27; and (2)
9 ineffective assistance of counsel, *id.* at 68. Liberally construed, these claims are
10 cognizable under § 2254, and merit an answer from Respondent.

12 **CONCLUSION**

13 For the foregoing reasons, the Court orders as follows:

14 1. The Clerk shall serve electronically a copy of this order upon the Respondent
15 and the Respondent’s attorney, the Attorney General of the State of California, at the
16 following email address: SFAWTPParalegals@doj.ca.gov. The petition and any exhibits
17 thereto are available via the Electronic Case Filing System for the Northern District of
18 California. *See* Dkt. No. 1. The Clerk also shall serve a copy of this order on Petitioner.

19 2. Respondent shall file with the court and serve on Petitioner, within **ninety**
20 (**90**) **days** of the issuance of this order, an answer conforming in all respects to Rule 5 of
21 the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus
22 should not be issued. Respondent shall file with the answer and serve on Petitioner a copy
23 of all portions of the state trial record that have been transcribed previously and that are
24 relevant to a determination of the issues presented by the petition.

25 If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with
26 the Court and serving it on Respondent within **thirty (30) days** of his receipt of the
27

1 answer.

2 3. Respondent may file a motion to dismiss on procedural grounds in lieu of an
3 answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
4 Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court
5 and serve on Respondent an opposition or statement of non-opposition within **twenty-**
6 **eight (28) days** of receipt of the motion, and Respondent shall file with the court and serve
7 on Petitioner a reply within **fourteen (14) days** of receipt of any opposition.

8 4. It is Petitioner's responsibility to prosecute this case. Petitioner is reminded
9 that all communications with the Court must be served on Respondent by mailing a true
10 copy of the document to Respondent's counsel. Petitioner must keep the Court and all
11 parties informed of any change of address by filing a separate paper captioned "Notice of
12 Change of Address." He must comply with the Court's orders in a timely fashion. Failure
13 to do so may result in the dismissal of this action for failure to prosecute pursuant to
14 Federal Rule of Civil Procedure 41(b).

15 **IT IS SO ORDERED.**

16 Dated: June 29, 2022



17 BETH LABSON FREEMAN
18 United States District Judge